

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

JEFFREY D. MENOFF and
LORI L. MENOFF,

Case No.: 19-11693-CLB

Debtors.

**NOTICE OF DEBTORS' MOTION FOR ENTRY OF ORDER
ESTABLISHING A PRE-PETITION CLAIMS BAR DATE**

PLEASE TAKE NOTICE that on **September 28, 2020, at 10:00 a.m.**, before the Honorable Carl L. Bucki, United States Bankruptcy Judge, in the courtroom usually occupied by him at the United States Bankruptcy Court, Robert H. Jackson United States Courthouse, 2 Niagara Square, 5th Floor, Orleans Courtroom, Buffalo, New York 14202, a telephonic hearing will be held on the motion (the "Motion") of the Debtors-in-Possession, Jeffrey D. Menoff and Lori L. Menoff (the "Debtors"), seeking the entry of an Order, pursuant to Bankruptcy Rule 3002(c)(3), establishing December 31, 2020 as the bar date for the filing of pre-petition claims against the Debtors' estate.

PLEASE TAKE FURTHER NOTICE that a copy of the Motion is available from the Clerk of the United States Bankruptcy Court at Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York 14202, via Pacer, <http://pacer.psc.uscourts.gov>, or from Andreozzi Bluestein LLP.

PLEASE TAKE FURTHER NOTICE that any entity choosing to file written support of or opposition to the Motion with the Court shall also serve it upon Andreozzi Bluestein LLP at 9145 Main Street, Clarence, New York 14031, as soon as practicable, pursuant to Local Rule of Bankruptcy Procedure 9013-1.

Dated: Clarence, New York
September 2, 2020

ANDREOZZI BLUESTEIN LLP

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In re:

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Debtors.

**DEBTORS' MOTION FOR ENTRY OF ORDER
ESTABLISHING A PRE-PETITION CLAIMS BAR DATE**

The Debtors-in-Possession, Jeffrey D. Menoff and Lori L. Menoff (the "Debtors"), hereby move this Court for the entry of an Order, pursuant to Bankruptcy Rule 3002(c)(3), establishing December 31, 2020 as the bar date for the filing of pre-petition claims against the Debtors' estate. In support of their Motion, the Debtors respectfully state as follows:

1. The Debtors filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on August 27, 2019 (the "Filing").
2. Debtor Jeffrey Menoff is an individual and a dentist. He provides dental services through his business, Jeffrey D. Menoff, DDS, P.C.
3. Debtor Lori Menoff is an individual who holds a job as a registered nurse. She is also the office manager at her husband's dental practice. At the time this case was filed, she was also the principal manager of the Debtors' other business, Menoff Family, Inc., d/b/a Nash Hill Equestrian Center, which operated the Debtors' horse barn and arena until it was sold in July, 2020.
4. From the sale of the horse barn and arena, the Debtor's real estate counsel has disbursed funds to pay all closing costs, has paid a total of \$37,013.86 toward current and back

real estate taxes, has paid \$156,360.87 to Community Bank to fully satisfy its mortgage claim and has disbursed net proceeds of \$337,259.60 to the IRS to partially pay its secured claim.

5. As was reported to the Court previously in connection with the Debtors' requests for authorization to use cash collateral, in an effort to mitigate the potential spread of the COVID-19 virus, on or about March 16, 2020, it was recommended by the American Dental Association ("ADA") that all dentists nationwide immediately begin to perform only emergency dental procedures.

6. Following the recommendations of the ADA, during the period of March 16, 2020 through May 31, 2020, Debtor Jeffrey Menoff's dental practice was only able to perform emergency dental procedures, which materially affected the revenues his practice was able to generate.

7. Since June 1, 2020, the ADA, the Centers for Disease Control and Prevention ("CDC") and the State of New York have issued updated guidelines permitting dentists to resume providing non-emergency dental services to their patients. These rules initially only permitted Dr. Menoff's office to operate with no more than 50 percent of its staff and only to treat 50 percent as many patients as had been booked each day prior to the pandemic.

8. Those strict numerical guidelines have since been replaced by more detailed protocols regarding required social distancing and personal protective equipment and rules regarding required delays before cleaning and disinfecting patient care areas. Complying with these requirements continues to limit the number of patients able to be seen below pre-pandemic levels, although the office staff is becoming more proficient in meeting these requirements over time.

9. It is the Debtors' intention to propose a Disclosure Statement and Plan of Reorganization during 2021.

10. The Debtors believe that establishing a pre-petition claims bar date will assist them to develop their Plan.

11. Accordingly, the Debtors request that this Court enter an Order establishing December 31, 2020 as the deadline for filing pre-petition claims against the Debtors' estate.

12. A proposed order granting the Motion is being filed and served herewith as Exhibit A.

WHEREFORE, the Debtors request that this Motion be granted and that this Court grant to the Debtors such other and further relief as this Court deems just and proper.

Dated: Clarence, New York
September 2, 2020

ANDREOZZI BLUESTEIN LLP

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